



MINISTRY of TRANSPORT
TE MANATŪ WAKA

WELLINGTON NEW ZEALAND

PURSUANT to Section 386 of the Maritime Transport Act 1994

I, MAURICE DONALD WILLIAMSON, Minister of Transport,

HEREBY MAKE the following marine protection rules.

SIGNED AT Wellington

This

20

day of

May

1998

by MAURICE DONALD WILLIAMSON


Minister of Transport

Marine Protection Rules

Part 123B

Documents (Record Books and Manuals)

Maritime Transport Act 1994

Marine Protection Rules

PART 123B

DOCUMENTS (RECORD BOOKS AND MANUALS)

Marine Protection Rules

PART 123B—DOCUMENTS (RECORD BOOKS AND MANUALS)—OIL

PART OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

Objective

The technical standards contained in the International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL), are being incorporated into New Zealand law by means of marine protection rules. These rules enable New Zealand to be a party to the Convention.

Specifically, Regulations 13A, 13B, 15, and 20 of Annex I of MARPOL are given effect by Part 123B. They contain requirements for the standardised recording of shipboard operations involving oil or oily mixtures and their discharge and escape, and the provision of shipboard manuals to guide crew involved in operations involving oil or oily mixtures and dedicated clean ballast tanks.

Part 123B applies the MARPOL oil record book requirements to New Zealand oil tankers of 150 tons gross tonnage or more, to ships other than oil tankers of 150 tons gross tonnage or more that carry oil in bulk of an aggregate capacity of 200 cubic metres or more, to other New Zealand tankers which discharge oil or oily mixtures and to New Zealand ships of 400 tons gross tonnage or more. Warships and other ships of the New Zealand Defence Force of the same tonnages are also covered by the Part. Foreign ships visiting New Zealand will be required to meet the same MARPOL standards.

Smaller New Zealand and foreign oil tankers of 150 tons gross tonnage are required by Part 123B to have oil record books if they retain oil on board and discharge contaminated washings at reception facilities.

The Part also contains the requirements for certain oil tankers to have operations and equipment manuals on board approved by the Director or by the ship's flag state.

The basis for Part 123B is found in sections 386 and 388 of the Maritime Transport Act 1994.

Extent of Consultation

There was no informal consultation for this Part because the provisions of MARPOL to which the rules refer are well known to the industry and were incorporated into the Part without modification.

On 2 August 1995 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 123B. A notice was also published in the *New Zealand Gazette* on 3 August 1995. The Authority then made its Invitation to Comment paper, draft Part 123B and draft Advisory Circular available to the public with 133 copies being sent automatically to interested parties. Comments on the Part were requested to be made by 30 September 1995.

Eight submissions were received on Part 123B. All submissions and any verbal comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

Commencement

Part 123B as amended was referred to and signed by the Minister of Transport.

Part 123B comes into force 28 days after the date of its notification in the *New Zealand Gazette*. For:

- New Zealand oil tankers of 150 tons gross tonnage or more;
- New Zealand ships of 150 tons gross tonnage or more fitted with cargo spaces constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more;
- New Zealand oil tankers of less than 150 tonnes gross tonnage which discharge oil in accordance with the requirements of Part 120 requirements; and
- New Zealand ships of 400 tons gross tonnage or more;

which trade internationally, compliance with Part 123B is not required until six months after the Part comes into force. However, New Zealand ships of these classes which do not undertake international voyages will have twenty-four months before compliance with Part 123B is mandatory. The same provisions apply to New Zealand Defence Force ships.

Marine Protection Rules

PART 123B

DOCUMENTS (RECORD BOOKS AND MANUALS)

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General

123B.1 Entry into Force

Part 123B shall come into force on the 28th day after the date of its notification in the *Gazette*.

123B.2 Definitions

In Part 123B—

“**Act**” means the Maritime Transport Act 1994:

“**Administration**” means the Government of the state under whose authority a ship is operating or the Government of the state whose flag the ship is entitled to fly:

“**Combination carrier**” means a ship designed to carry either oil or solid cargoes in bulk:

“**Director**” means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

“**Foreign ship**” means any ship that is not a New Zealand ship:

“**MARPOL**” means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and includes any subsequent protocol or amendment to, or revision of, that convention accepted or ratified by New Zealand:

“**Master**” means any person (except a pilot) having command or charge of any ship:

“**New Zealand Defence Force**” has the same meaning as the term “Defence Force” in section 2 (1) of the Defence Act 1990:

“**New Zealand jurisdiction**” means—

- (a) the internal waters of New Zealand; and
- (b) the territorial sea of New Zealand; and
- (c) the exclusive economic zone of New Zealand; and
- (d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

"New Zealand ship" means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

"Offshore installation" or **"installation"** includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but does not include a pipeline:

"Oil" for the purposes of the marine protection rules and section 222 of the Maritime Transport Act 1994 means petroleum in any form including crude oil, oil fuel, sludge, oil refuse, and refined products (other than petrochemicals that are subject to the provisions of Part 140). Without limiting the generality of the foregoing, "oil" includes the substances declared to be oil in the appendix to Part 120, and any oily mixture. "Oil" as defined here is a "harmful substance" for the purposes of section 225 of the Maritime Transport Act 1994:

"Oil Record Book" means—

- (a) for every New Zealand ship and every New Zealand Defence Force ship referred to in rule 123B.3, the Oil Record Book (Machinery Space Operations) required under rule 123B.4(1) and in the form shown in Appendix 1 to Part 123B; and in addition
- (b) for every New Zealand ship that is an oil tanker and every New Zealand Defence Force ship that is an oil tanker, referred to in rule 123B.3, the Oil Record Book (Cargo/Ballast Operations) required under rule 123B.4(2) and in the form shown in Appendix 2 to Part 123B; and
- (c) for every foreign ship referred to in rule 123B.6, the Oil Record Book (Machinery Space Operations) required under rule 123B.7(1) and in the form shown in Appendix 1 to Part 123B; and in addition
- (d) for every foreign ship that is an oil tanker referred to in rule 123B.6, the Oil Record Book (Cargo/Ballast Operations) required under rule 123B.7(2) and in the form shown in Appendix 2 to Part 123B; and
- (e) for every New Zealand ship that is an oil tanker referred to in rule 123B.9, the Oil Record Book required under rule 123B.10 and in the form shown in Appendix 3 to Part 123B; and
- (f) for every foreign ship that is an oil tanker referred to in rule 123B.12, the oil record book required under rule 123B.13 and in a form required by the Administration of the flag state or other form recognised by the Director.

"Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any "chemical tanker" as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk:

"Oily mixture" means a mixture with any oil content:

"Owner" in relation to any ship includes—

- (a) any person who is the legal or equitable owner, or both, of the ship; and

- (b) any person in possession of the ship; and includes any salvor in possession of the ship, and any servant or agent of any salvor in possession of the ship; and
- (c) any charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship:

"Part" means a group of rules made under the Maritime Transport Act 1994:

"Rules" includes maritime rules and marine protection rules.

Oil Record Books—New Zealand Ships

123B.3 Application and compliance dates

- (1) Rules 123B.4 and 123B.5 apply to—
 - (a) every New Zealand ship that is an oil tanker of 150 tons gross tonnage or more; and
 - (b) every New Zealand ship, other than an oil tanker of 150 tons gross tonnage or more, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more; and
 - (c) every New Zealand ship that is an oil tanker of less than 150 tons gross tonnage which discharges oil or oily mixtures into the sea in compliance with the conditions specified in Part 120; and
 - (d) every New Zealand ship of 400 tons gross tonnage or more; and
 - (e) every warship and every other ship of the New Zealand Defence Force that is—
 - (i) an oil tanker of 150 tons gross tonnage or more; or
 - (ii) a ship, other than an oil tanker, of 150 tons gross tonnage or more fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more; or
 - (iii) an oil tanker of less than 150 tons gross tonnage which discharges oil or oily mixtures into the sea in compliance with the conditions specified in Part 120; or
 - (iv) a ship of 400 tons gross tonnage or more.
- (2)
 - (a) Subject to rule 123B.3(2)(b), compliance with rules 123B.4 and 123B.5 is not required until six months after the date on which Part 123B enters into force.
 - (b) In respect of any ship referred to in rule 123B.3(1) which does not make an international voyage compliance with rules 123B.4 and 123B.5 is not required until twenty-four months after the date on which Part 123B enters into force.
- (3) Where a rule in Part 123B places an obligation on the master of any New Zealand ship, the same obligation will apply to the master of any warship or any other ship of the New Zealand Defence Force to which that rule applies.

123B.4 Requirement to carry Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that there is carried on board the ship an Oil Record Book (Machinery Space Operations) in the form shown in Appendix 1.
- (2) The owner and the master of—

- (a) any oil tanker; or
- (b) any ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more;

to which this rule applies, must ensure that there is carried on board the ship an Oil Record Book (Cargo/Ballast Operations) in the form shown in Appendix 2.

123B.5 Entries in Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that the appropriate Oil Record Book is completed in accordance with rule 123B.5(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations (all ships):
 - (i) ballasting or cleaning of oil fuel tanks:
 - (ii) discharge of dirty ballast or cleaning water from tanks referred to in rule 123B.5(1)(a)(i):
 - (iii) disposal of oily residues (sludge):
 - (iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces:
 - (b) for cargo/ ballast operations (oil tankers and ships, other than oil tankers, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more):
 - (i) loading of oil cargo:
 - (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks and dedicated clean ballast tanks:
 - (v) cleaning of cargo tanks including crude oil washing:
 - (vi) discharge of ballast except from segregated ballast tanks:
 - (vii) discharge of water from slop tanks:
 - (viii) closing of all applicable valves or similar devices after slop tank discharge operations:
 - (ix) closing of valves necessary to isolate dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations:
 - (x) disposal of oily residues.
- (2) For each operation described in rule 123B.5(1)—
 - (a) a full record must be entered in the Oil Record Book without delay; and

- (b) the completed entry in the Oil Record Book must be signed by the officer(s) in charge of the operation.
- (3) The master of any ship to which this rule applies must sign each page of the ship's Oil Record Book(s) once that page is complete.
- (4) The owner and the master of any ship to which this rule applies must ensure that a statement is made in the appropriate Oil Record Book of the circumstances of, and the reasons for—
 - (a) any discharge into the sea of oil for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of oil resulting from damage to the ship or its equipment or resulting from any accidental or other exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combating specific pollution incidents; and
 - (d) any other accidental or exceptional discharge.
- (5) The owner and the master of any ship to which this rule applies must ensure that the Oil Record Book(s) is (are)—
 - (a) available for inspection by the Director and by authorised persons acting on behalf of a state party to MARPOL at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.
- (6) Where the Director or an authorised person acting on behalf of a state party to MARPOL makes a copy of any entry in the Oil Record Book(s) of any ship to which this rule applies, the master of that ship must, when requested to do so, certify that the copy is a true copy of such entry where this is the case.
- (7) The Oil Record Book(s) required by rule 123B.4 must be preserved by the owner of the ship for three years after the last entry has been made.

Oil Record Book—Foreign Ships

123B.6 Application

Rules 123B.7 and 123B.8 apply to—

- (a) every foreign ship that is an oil tanker of 150 tons gross tonnage or more that is within New Zealand jurisdiction; and
- (b) every foreign ship, other than an oil tanker of 150 tons gross tonnage or more, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more that is within New Zealand jurisdiction; and
- (c) every foreign ship that is an oil tanker of less than 150 tons gross tonnage that is within New Zealand jurisdiction which discharges oil or oily mixtures into the sea in compliance with the conditions specified in Part 120; and
- (d) every foreign ship of 400 tons gross tonnage or more that is within New Zealand jurisdiction.

123B.7 Requirement to carry Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that there is carried on board the ship an Oil Record Book (Machinery Space Operations) in the form shown in Appendix 1.
- (2) The owner and the master of—
 - (a) any oil tanker; or
 - (b) any ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more;

to which this rule applies, must ensure that there is carried on board the ship an Oil Record Book (Cargo/ Ballast Operations) in the form shown in Appendix 2.

123B.8 Entries in Oil Record Book(s)

- (1) The owner and the master of any ship to which this rule applies must ensure that the appropriate Oil Record Book is completed in accordance with rule 123B.8(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations (all ships):
 - (i) ballasting or cleaning of oil fuel tanks:
 - (ii) discharge of dirty ballast or cleaning water from tanks referred to in rule 123B.8(1)(a)(i):
 - (iii) disposal of oily residues (sludge):

- (iv) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces:
- (b) for cargo/ ballast operations (oil tankers and ships, other than oil tankers, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more):
 - (i) loading of oil cargo:
 - (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks and dedicated clean ballast tanks:
 - (v) cleaning of cargo tanks including crude oil washing:
 - (vi) discharge of ballast except from segregated ballast tanks:
 - (vii) discharge of water from slop tanks:
 - (viii) closing of all applicable valves or similar devices after slop tank discharge operations:
 - (ix) closing of valves necessary to isolate dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations:
 - (x) disposal of oily residues.
- (2) For each operation described in rule 123B.8(1)—
 - (a) a full record must be entered in the Oil Record Book without delay; and
 - (b) the completed entry in the Oil Record Book must be signed by the officer(s) in charge of the operation.
- (3) The master of any ship to which this rule applies must sign each page of the ship's Oil Record Book(s) once that page is complete.
- (4) The owner and the master of any ship to which this rule applies must ensure that a statement is made in the appropriate Oil Record Book of the circumstances of, and the reasons for—
 - (a) any discharge into the sea of oil for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of oil resulting from damage to the ship or its equipment or resulting from any accidental or other exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combatting specific pollution incidents; and
 - (d) any other accidental or exceptional discharge.
- (5) If any ship to which this rule applies is engaged in international trade, the owner and the master of that ship must ensure that the entries in the Oil Record Book(s) are—

- (a) in the national language of the state the ship is registered in; and
 - (b) in English or French.
- (6) If any ship to which this rule applies is engaged in trade that is other than international trade, the owner and the master of that ship must ensure that the entries in the Oil Record Book(s) are—
- (a) in the national language of the state the ship is registered in; and
 - (b) in English.
- (7) The owner and the master of any ship to which this rule applies must ensure that the Oil Record Book(s) is (are)—
- (a) available for inspection by the Director at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.

Oil Record Book—Small New Zealand Oil Tankers

123B.9 Application and compliance dates

- (1) Rules 123B.10 and 123B.11 apply to—
 - (a) every New Zealand ship that is an oil tanker of less than 150 tons gross tonnage that retains all oil on board and discharges all contaminated washings to reception facilities; and
 - (b) every warship and every other ship of the New Zealand Defence Force that is an oil tanker of less than 150 tons gross tonnage that retains all oil on board and discharges all contaminated washings to reception facilities.
- (2)
 - (a) Subject to rule 123B.9(2)(b), compliance with rules 123B.10 and 123B.11 is not required until six months after the date on which Part 123B enters into force.
 - (b) In respect of any ship referred to in rule 123B.9(1) which does not make an international voyage compliance with rules 123B.10 and 123B.11 is not required until twenty-four months after the date on which Part 123B enters into force.

123B.10 Requirement to carry Oil Record Book

The owner and the master of any oil tanker to which this rule applies must ensure that there is carried on board the ship an Oil Record Book in the form shown in Appendix 3.

123B.11 Entries in Oil Record Book

- (1) The owner and the master of any oil tanker to which this rule applies must ensure that the Oil Record Book is completed in accordance with rule 123B.11(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations:
 - (i) ballasting or cleaning of oil fuel tanks:
 - (ii) disposal of dirty ballast or cleaning water from tanks referred to in rule 123B.11(1)(a)(i):
 - (iii) disposal of oily residues (sludge):
 - (iv) disposal of bilge water which has accumulated in machinery spaces; and
 - (b) for cargo/ballast operations:
 - (i) loading of oil cargo:

- (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks:
 - (v) cleaning of cargo tanks:
 - (vi) discharge of dirty ballast or cleaning water from cargo tanks:
 - (vii) disposal of oily residues.
- (2) For each operation described in rule 123B.11(1)—
- (a) a full record must be entered in the Oil Record Book without delay; and
 - (b) the completed entry in the Oil Record Book must be signed by the officer(s) in charge of the operation.
- (3) The master of any ship to which this rule applies must sign each page of the ship's Oil Record Book(s) once that page is completed.
- (4) The owner and the master of any oil tanker to which this rule applies must ensure that a statement is made in the Oil Record Book of the circumstances of, and the reasons for—
- (a) any discharge into the sea of oil for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of oil resulting from damage to the ship or its equipment or resulting from any accidental or other exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combating specific pollution incidents; and
 - (d) any other accidental or exceptional discharge.
- (5) The owner and the master of any oil tanker to which this rule applies must ensure that the Oil Record Book is—
- (a) available for inspection by the Director and the port state authority at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.
- (6) The Oil Record Book required by rule 123B.10 must be preserved by the owner of the ship for a period of three years after the last entry has been made.

Oil Record Book—Small Foreign Oil Tankers

123B.12 Application

Rules 123B.13 and 123B.14 apply to every foreign ship that is within New Zealand jurisdiction, that is an oil tanker of less than 150 tons gross tonnage that retains all oil on board and discharges all contaminated washings to reception facilities.

123B.13 Requirement to carry oil record book

The owner and the master of any oil tanker to which this rule applies must ensure that there is carried on board the ship an oil record book detailing machinery space and cargo/ballast operations—

- (a) in the form required by the administration of the flag state; or
- (b) in any other form acceptable to the Director.

123B.14 Entries in oil record book

- (1) The owner and the master of any oil tanker to which this rule applies must ensure that the oil record book is completed in accordance with rule 123B.14(2), on a tank-to-tank basis if appropriate, whenever any of the following operations take place in the ship—
 - (a) for machinery space operations:
 - (i) ballasting or cleaning of oil fuel tanks:
 - (ii) disposal of dirty ballast or cleaning water from tanks referred to in rule 123B.14(1)(a)(i):
 - (iii) disposal of oily residues (sludge):
 - (iv) disposal of bilge water which has accumulated in machinery spaces; and
 - (b) for cargo/ballast operations:
 - (i) loading of oil cargo:
 - (ii) internal transfer of oil cargo during voyage:
 - (iii) unloading of oil cargo:
 - (iv) ballasting of cargo tanks:
 - (v) cleaning of cargo tanks:
 - (vi) discharge of dirty ballast or cleaning water from cargo tanks:
 - (vii) disposal of oily residues.

- (2) For each operation described in rule 123B.14(1)—
 - (a) a full record must be entered in the oil record book without delay; and
 - (b) the completed entry in the oil record book must be signed by the officer(s) in charge of the operation.
- (3) The master of any ship to which this rule applies must sign each page of the ship's oil record book once that page is complete.
- (4) The owner and the master of any oil tanker to which this rule applies must ensure that a statement is made in the oil record book of the circumstances of, and the reasons for—
 - (a) any discharge into the sea of oil for the purpose of securing the safety of a ship or saving life at sea; and
 - (b) any escape into the sea of oil resulting from damage to the ship or its equipment or resulting from any accidental or other exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combating specific pollution incidents; and
 - (d) any other accidental or exceptional discharge.
- (5) If any oil tanker to which this rule applies is engaged in international trade, the owner and the master of that ship must ensure that the entries in the oil record book are—
 - (a) in the national language of the state the ship is registered in; and
 - (b) in English or French.
- (6) If any ship to which this rule applies is engaged in trade that is other than international trade, the owner and the master of that ship must ensure that the entries in the oil record book are—
 - (a) in the national language of the state the ship is registered in; and
 - (b) in English.
- (7) The owner and the master of any oil tanker to which this rule applies must ensure that the oil record book is—
 - (a) available for inspection by the Director at all reasonable times; and
 - (b) kept on board the ship, except in the case of unmanned ships under tow.

Manuals—New Zealand Ships

123B.15 Application and compliance dates

- (1) Rule 123B.16 applies to—
 - (a) every New Zealand ship that is an oil tanker permitted by Part 121A to operate with dedicated clean ballast tanks; and
 - (b) every warship and every other ship of the New Zealand Defence Force that is an oil tanker permitted by Part 121A to operate with dedicated clean ballast tanks.
- (2) Rule 123B.17 applies to—
 - (a) every New Zealand ship that is an oil tanker required by Part 122 to be fitted with a crude oil washing system; and
 - (b) every warship and every other ship of the New Zealand Defence Force that is an oil tanker required by Part 122 to be fitted with a crude oil washing system.
- (3) Rule 123B.18 applies to—
 - (a) every New Zealand ship that is an oil tanker required by Part 122 to be fitted with an oil discharge monitoring and control system; and
 - (b) every New Zealand ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more required by Part 122 to be fitted with an oil discharge monitoring and control system; and
 - (c) every warship and every other ship of the New Zealand Defence Force that is an oil tanker required by Part 122 to be fitted with an oil discharge monitoring and control system; and
 - (d) every warship and every other ship of the New Zealand Defence Force, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more required by Part 122 to be fitted with an oil discharge monitoring and control system.
- (4)
 - (a) Subject to rule 123B.15(4)(b), compliance with rules 123B.16 to 123B.18 inclusive is not required until six months after the date on which Part 123B enters into force.
 - (b) In respect of any ship referred to in rule 123B.15 which does not make an international voyage compliance with rules 123B.16 to 123B.18 inclusive is not required until twenty four months after the date on which Part 123B enters into force.

123B.16 Operation Manual—Dedicated Clean Ballast Tanks

- (1) The owner and the master of any ship to which this rule applies must ensure that there is a Dedicated Clean Ballast Tank Operation Manual detailing the system and specifying operational procedures for the ship which—
 - (a) contains all the information set out in the *Specifications for Oil Tankers with Dedicated Clean Ballast Tanks* adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 14, and any amendments to the *Specifications*; and
 - (b) meets all the requirements for the form and content of a Dedicated Clean Ballast Tank Operation Manual adopted by the International Maritime Organisation by resolution A.495(XII), as amended by that organisation from time to time; and
 - (c) is approved in accordance with rules 123B.16(2) to 123B.16(5) inclusive; and
 - (d) is carried on board the ship at all times.
- (2) The owner of a ship to which this rule applies must make application to the Director for approval of the ship's Dedicated Clean Ballast Tank Operation Manual.
- (3) Subject to rule 123B.16(4), the Director must give approval in writing to a ship's Dedicated Clean Ballast Tank Operation Manual which—
 - (a) is, in the Director's opinion, appropriate for that ship; and
 - (b) contains all the information set out in the *Specifications for Oil Tankers with Dedicated Clean Ballast Tanks* adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 14, and any amendments to the *Specifications*; and
 - (c) meets all the requirements for the form and content of a Dedicated Clean Ballast Tank Operation Manual adopted by the International Maritime Organisation by resolution A.495(XII), as amended by that organisation from time to time.
- (4) The Director may require the owner of a ship to which this rule applies to include or omit from the Dedicated Clean Ballast Tank Operation Manual submitted for approval such information as the Director may reasonably specify.
- (5) The Dedicated Clean Ballast Tank Operation Manual must be revised and re-submitted to the Director by the owner of the ship for a new approval whenever an alteration affecting the dedicated clean ballast tank system is made to the ship.
- (6) Whenever a Dedicated Clean Ballast Tank Operation Manual is re-submitted to the Director under rule 123B.16(5), the provisions of rules 123B.16(2) to 123B.16(4) inclusive shall apply.
- (7) The issue of a new Dedicated Clean Ballast Tank Operation Manual approval by the Director automatically replaces the ship's former Dedicated Clean Ballast Tank Operation Manual approval(s).

123B.17 Operations and Equipment Manual—Crude Oil Washing

- (1) The owner and the master of any ship to which this rule applies must ensure that there is an Operations and Equipment Manual detailing the system and equipment and specifying operational procedures for the ship which—
 - (a) contains all the information set out in the *Specifications for the Design, Operation and Control of Crude Oil Washing Systems* adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 15, and any amendments to the *Specifications*; and
 - (b) meets all the requirements for the form and content of an Operations and Equipment Manual adopted by the International Maritime Organisation by resolution A.446(XI), amended by the International Maritime Organisation by resolution A.496(XII), and as further amended by that organisation from time to time; and
 - (c) is approved in accordance with rules 123B.17(2) to 123B.17(5) inclusive; and
 - (d) is carried on board the ship at all times.
- (2) The owner of a ship to which this rule applies must make application to the Director for approval of the ship's Operations and Equipment Manual.
- (3) Subject to rule 123B.17(4), the Director must give approval in writing to a ship's Operations and Equipment Manual which—
 - (a) is, in the Director's opinion, appropriate for that ship; and
 - (b) contains all the information set out in the *Specifications for the Design, Operation and Control of Crude Oil Washing Systems* adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 15, and any amendments to the *Specifications*; and
 - (c) meets all the requirements for the form and content of an Operations and Equipment Manual adopted by the International Maritime Organisation by resolution A.446(XI), amended by the International Maritime Organisation by resolution A.496(XII), and as further amended by that organisation from time to time.
- (4) The Director may require the owner of a ship to which this rule applies to include or omit from the Operations and Equipment Manual submitted for approval such information as the Director may reasonably specify.
- (5) The Operations and Equipment Manual must be revised and re-submitted to the Director by the owner of the ship for a new approval whenever an alteration affecting the crude oil washing system is made to the ship.
- (6) Whenever an Operations and Equipment Manual is re-submitted to the Director under rule 123B.17(5), the provisions of rules 123B.17(2) to 123B.17(4) inclusive shall apply.
- (7) The issue of a new Operations and Equipment Manual approval by the Director automatically replaces the ship's former Operations and Equipment Manual approval(s).

123B.18 Operations Manual—Oil Discharge and Monitoring

- (1) The owner and the master of any ship to which this rule applies must ensure that there is an Operations Manual for the operation of the oil discharge monitoring and control system for the ship which—
 - (a) contains all the information set out in the *Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers* adopted by the International Maritime Organisation in resolution A.586(14), and any amendments to the *Guidelines and Specifications*; and
 - (b) contains instructions covering manual as well as automatic operations intended to ensure that at no time shall oil be discharged except in compliance with the conditions specified in Part 120; and
 - (c) is approved in accordance with rules 123B.18(2) to 123B.18(5) inclusive; and
 - (d) is carried on board the ship at all times.
- (2) The owner of a ship to which this rule applies must make application to the Director for approval of the ship's Operations Manual.
- (3) Subject to rule 123B.18(4), the Director must give approval in writing to a ship's Operations Manual which—
 - (a) is, in the Director's opinion, appropriate for that ship; and
 - (b) contains all the information set out in the *Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers* adopted by the International Maritime Organisation in resolution A.586(14), and any amendments to the *Guidelines and Specifications*; and
 - (c) contains instructions covering manual as well as automatic operations intended to ensure that oil is at no time discharged except in compliance with the conditions specified in Part 120.
- (4) The Director may require the owner of a ship to which this rule applies to include or omit from the Operations Manual submitted for approval such information as the Director may reasonably specify.
- (5) The Operations Manual must be revised and re-submitted to the Director by the owner of the ship for a new approval whenever an alteration affecting the oil discharge monitoring and control system is made to the ship.
- (6) Whenever an Operations Manual is re-submitted to the Director under rule 123B.18(5), the provisions of rules 123B.18(2) to 123B.18(4) inclusive shall apply.
- (7) The issue of a new Operations Manual approval by the Director automatically replaces the ship's former Operations Manual approval(s).

Manuals—Foreign Ships

123B.19 Operation Manual—Dedicated Clean Ballast Tanks

The owner and the master of any foreign ship that is an oil tanker operating with dedicated clean ballast tanks and that is within New Zealand jurisdiction must ensure that—

- (a) if the ship is registered in a state party to MARPOL, there is carried on board the ship a Dedicated Clean Ballast Tank Operation Manual for the ship approved by the administration of the state the ship is registered in; or
- (b) if the ship is registered in a state which is not party to MARPOL, there is carried on board the ship a manual for the ship:
 - (i) containing all the information set out in the *Specifications for Oil Tankers with Dedicated Clean Ballast Tanks* adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 14, and any amendments to the *Specifications*; and
 - (ii) meeting all the requirements for the form and content of a Dedicated Clean Ballast Tank Operation Manual adopted by the International Maritime Organisation by resolution A.495(XII) as amended by that organisation from time to time.

123B.20 Operations and Equipment Manual—Crude Oil Washing

The owner and the master of any foreign ship that is an oil tanker that has a crude oil washing system and that is within New Zealand jurisdiction must ensure that—

- (a) if the ship is registered in a state party to MARPOL, there is carried on board the ship an Operations and Equipment Manual for the ship approved by the administration of the state the ship is registered in; or
- (b) if the ship is registered in a state which is not party to MARPOL, there is carried on board the ship a manual for the ship:
 - (i) containing all the information set out in the *Specifications for the Design, Operation and Control of Crude Oil Washing Systems* adopted by the International Conference on Tanker Safety and Pollution Prevention, 1978, in resolution 15, and any amendments to the *Specifications*; and
 - (ii) meeting all the requirements for the form and content of an Operations and Equipment Manual adopted by the International Maritime Organisation by resolution A.446(XI), amended by the International Maritime Organisation by resolution A.496(XII), and as further amended by that organisation from time to time.

123B.21 Operations Manual—Oil Discharge and Monitoring

- (1) Rule 123B.21(2) applies to any foreign ship that is—
- (a) an oil tanker; or
 - (b) a ship, other than an oil tanker, fitted with cargo spaces which are constructed and utilised to carry oil in bulk of an aggregate capacity of 200 cubic metres or more;

which has an oil discharge monitoring and control system and that is within New Zealand jurisdiction.

- (2) The owner and the master of any ship to which this rule applies must ensure that—
- (a) if the ship is registered in a state party to MARPOL, there is carried on board the ship a manual, for the operation of the ship's oil discharge monitoring and control system, approved by the administration of the state the ship is registered in; or
 - (b) if the ship is registered in a state which is not party to MARPOL, there is carried on board the ship a manual for the ship:
 - (i) containing all the information contained in the *Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers* adopted by the International Maritime Organisation in resolution A.586(14), and any amendments to the *Guidelines and Specifications*; and
 - (ii) containing instructions covering both manual and automatic operations and all other matters required to ensure that at no time oil or oily mixtures are discharged into the sea except in compliance with the conditions specified in Annex I of MARPOL.

Appendix 1

OIL RECORD BOOK
Machinery space operations
(All ships)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from:

to:

Introduction

The following pages of this Oil Record Book show a comprehensive list of items of machinery space operations which are, when appropriate, to be recorded in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be signed by the master of the ship.

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

LIST OF ITEMS TO BE RECORDED

(A) Ballasting or cleaning of oil fuel tanks

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Cleaning process:
 - .1 position of ship and time at the start and completion of cleaning;
 - .2 identify tank(s) in which one or other method has been employed (rinsing through, steaming, cleaning with chemicals; type and quantity of chemicals used);
 - .3 identity of tank(s) into which cleaning water was transferred.
4. Ballasting:
 - .1 position of ship and time at the start and end of ballasting;
 - .2 quantity of ballast if tanks are not cleaned;
 - .3 position of ship at start of cleaning;
 - .4 position of ship at start of ballasting.

(B) Discharge of dirty ballast or cleaning water from oil fuel tanks referred to under section (A)

5. Identity of tank(s).
6. Position of ship at start of discharge.
7. Position of ship at completion of discharge.
8. Ship's speed(s) during discharge.
9. Method of discharge:
 - .1 through 100 ppm equipment;
 - .2 through 15 ppm equipment;
 - .3 to reception facilities.
10. Quantity discharged.

(C) Collection and disposal of oil residues (sludge)

11. Collection of oil residues.

Quantities of oil residues (sludge) retained on board at the end of a voyage, but not more frequently than once a week. When ships are on short voyages, the quantity should be recorded weekly:¹

- .1 separated sludge (sludge resulting from purification of fuel and lubricating oils) and other residues, if applicable:
 - identity of tank(s).....
 - capacity of tank(s).....m³
 - total quantity of retention.....m³
- .2 other residues (such as oils residues resulting from drainages, leakages, exhausted oil, etc., in the machinery spaces), if applicable due to tank arrangement in addition to .²:
 - identity of tank(s).....
 - capacity of tank(s).....m³
 - total quantity of retention.....m³

12. Methods of disposal of residue.

State quantity of oil residues disposed of, the tank(s) emptied and the quantity of contents retained:

- .1 to reception facilities (identify port);³
- .2 transferred to another (other) tank(s) (indicate tank(s) and the total content of tank(s);
- .3 incinerated (indicate total time of operation);
- .4 other method (state which).

¹ Only in tanks listed in item 3 of Form A and B of the Supplement to the IOPP Certificate.

² See note 1.

³ Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. The receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(D) Non-automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces

13. Quantity discharged or disposed of.
14. Time of discharge or disposal (start and stop).
15. Method of discharge and disposal:
 - .1 through 100 ppm equipment (state position at start and end);
 - .2 through 15 ppm equipment (state position at start and end);
 - .3 to reception facilities (identify port);⁴
 - .4 transfer to slop tank or holding tank (indicate tank(s); state quantity transferred and the total quantity retained in tanks(s)).

(E) Automatic discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces

16. Time and position of ship at which the system has been put into automatic mode of operation for discharge overboard.
17. Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).
18. Time when the system has been put into manual operation.
19. Method of discharge overboard:
 - .1 through 100 ppm equipment;
 - .2 through 15 ppm equipment.

(F) Condition of oil discharge monitoring and control system

20. Time of system failure.
21. Time when system has been made operational.
22. Reasons for failure.

(G) Accidental or other exceptional discharges of oil

23. Time of occurrence.
24. Place or position of ship at time of occurrence.
25. Approximate quantity and type of oil.

⁴ See note 3.

26. Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) Bunkering of fuel or bulk lubricating oil

27. Bunkering:

- .1 Place of bunkering.
- .2 Time of bunkering.
- .3 Type and quantity of fuel oil and identity of tank(s) (state quantity added and total content of tank(s)).
- .4 Type and quantity of lubricating oil and identity of tank(s) (state quantity added and total content of tank(s)).

(I) Additional operational procedures and general remarks

Appendix 2

OIL RECORD BOOK
Cargo/ballast operations
(Oil tankers)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from:

to:

Introduction

The following pages of this Oil Record Book show a comprehensive list of items of cargo and ballast operations which are, when appropriate, to be recorded in accordance with regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be countersigned by the master of the ship. In respect of the oil tankers engaged in specific trades in accordance with regulation 13C of Annex I of MARPOL 73/78, appropriate entry in the Oil Record Book shall be endorsed by the competent port State authority.¹

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

¹ This sentence should only be inserted for the Oil Record Book of an oil tanker engaged in a specific trade.

LIST OF ITEMS TO BE RECORDED

(A) Loading of oil cargo

1. Place of loading.
2. Type of oil loaded and identity of tank(s).
3. Total quantity of oil loaded (state quantity added and the total content of tank(s)).

(B) Internal transfer of oil cargo during voyage

4. Identity of tank(s):
 - .1 from:
 - .2 to: (state quantity transferred and total quantity of tank(s))
5. Was (were) the tank(s) in 4.1 emptied? (If not, state quantity retained.)

(C) Unloading of oil cargo

6. Place of unloading.
7. Identity of tank(s) unloaded.
8. Was (were) the tank(s) emptied? (If not, state quantity retained.)

(D) Crude oil washing (COW tankers only)

(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out or ship's position if carried out between two discharge ports.
10. Identity of tank(s) washed.²
11. Number of machines in use.

² When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g., No. 2 centre, forward section.

12. Time of start of washing.
13. Washing pattern employed.³
14. Washing line pressure.
15. Time washing was completed or stopped.
16. State method of establishing that tank(s) was (were) dry.
17. Remarks.⁴

(E) Ballasting of cargo tanks

18. Position of ship at start and end of ballasting.
19. Ballasting process:
 - .1 identity of tank(s) ballasted;
 - .2 time of start and end;
 - .3 quantity of ballast received. Indicate total quantity of ballast for each tank involved in the operation.

(F) Ballasting of dedicated clean ballast tanks (CBT tankers only)

20. Identity of tank(s) ballasted.
21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s).
22. Position of ship when pump(s) and lines were flushed to slop tank.
23. Quantity of the oily water which, after line flushing, is transferred to the slop tank(s) or cargo tank(s) in which slop is preliminary stored (identify tank(s)). State the total quantity.
24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).
25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.
26. Quantity of clean ballast taken on board.

³ In accordance with the Operations and Equipment Manual, enter whether single-stage or multi-stage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that the arc is covered for that particular stage of the programme.

⁴ If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.

(G) Cleaning of cargo tanks

27. Identity of tank(s) cleaned.
28. Port or ship's position.
29. Duration of cleaning.
30. Method of cleaning.⁵
31. Tank washings transferred to:
 - .1 reception facilities (state port and quantity);⁶
 - .2 slop tank(s) or cargo tank(s) designated as slop tank(s)(identify tank(s); state quantity transferred and total quantity).

(H) Discharge of dirty ballast

32. Identity of tank(s).
33. Position of ship at start of discharge into the sea.
34. Position of ship on completion of discharge into the sea.
35. Quantity discharged into the sea.
36. Ship's speed(s) during discharge.
37. Was the discharge monitoring and control system in operation during the discharge?
38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
39. Quantity of oily water transferred to slop tank(s) (identify slop tank(s). State total quantity).
40. Discharged to shore reception facilities (identify port and quantity involved).⁷

⁵ Hand-hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.

⁶ Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. The receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

⁷ See note 6.

(I) Discharge of water from slop tanks into the sea

41. Identity of slop tanks.
42. Time of settling from last entry of residues, or
43. Time of settling from last discharge.
44. Time and position of ship at start of discharge.
45. Ullage of total contents at start of discharge.
46. Ullage of oil/ water interface at start of discharge.
47. Bulk quantity discharged and rate of discharge.
48. Final quantity discharged and rate of discharge.
49. Time and position of ship on completion of discharge.
50. Was the discharge monitoring and control system in operation during the discharge?
51. Ullage of oil/ water interface on completion of discharge.
52. Ship's speed(s) during discharge.
53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

(J) Disposal of residues and oily mixtures not otherwise dealt with

55. Identity of tank(s).
56. Quantity disposed of from each tank. (State the quantity retained).
57. Method of disposal:
 - .1 to reception facilities (identify port and quantity involved);⁸
 - .2 transferred to (an)other tank(s) (identify tank(s); state quantity transferred and total quantity in tank(s));
 - .3 other method (state which); state quantity disposed of.

⁸ See note 6 above.

(K) Discharge of clean ballast contained in cargo tanks

58. Position of ship at start of discharge of clean ballast.
59. Identity of tank(s) discharged.
60. Was (were) the tank(s) empty on completion?
61. Position of ship on completion if different from 58.
62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

(L) Discharge of ballast from dedicated clean ballast tanks (CBT tankers only)

63. Identity of tank(s) discharged.
64. Time and position of ship at start of discharge of clean ballast into the sea.
65. Time and position of ship on completion of discharge into the sea.
66. Quantity discharged:
 - .1 into the sea; or
 - .2 to reception facility (identify port).
67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?
68. Was the discharge monitored by an oil content meter?
69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

(M) Condition of oil discharge monitoring and control system

70. Time of system failure.
71. Time when system has been made operational.
72. Reasons for failure.

(N) Accidental or other exceptional discharges of oil

73. Time of occurrence.
74. Place or position of ship at time of occurrence.
75. Approximate quantity and type of oil.

76. Circumstances of discharge or escape, the reasons therefor and general remarks.

(O) Additional operational procedures and general remarks

TANKERS ENGAGED IN SPECIFIC TRADES

(P) Loading of ballast water

77. Identity of tank(s) ballasted.

78. Position of when ballasted.

79. Total quantity of ballast loaded in cubic metres.

80. Remarks

(Q) Re-allocation of ballast water within the ship

81. Reasons for re-allocation.

(R) Ballast water discharge to reception facility

82. Port(s) where ballast water was discharged.

83. Name and designation of reception facility.

84. Total quantity of ballast discharged in cubic metres.

85. Date, signature and stamp of port authority official.

Appendix 3

OIL RECORD BOOK¹
Machinery space/cargo/ballast operations
(Oil tankers less than 150 tons gross tonnage)

Name of ship:

Distinctive number or letters:

Gross tonnage:

Period from:

to:

¹ Prescribed by marine protection rule 123B.13 made under the Maritime Transport Act 1994 in accordance with regulation 20(7) of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), for those oil tankers of less than 150 tons gross tonnage for which the control of discharge of oil under regulation 9 of that Annex shall be effected by the retention of oil on board with subsequent discharge of all contaminated washings to reception facilities.

Introduction

The following pages of this Oil Record Book show a comprehensive list of items of machinery space, cargo and ballast operations which are, when appropriate, to be recorded in accordance with marine protection rules 123B.11 and 123B.14. The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank spaces.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be countersigned by the master of the ship.

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

LIST OF ITEMS TO BE RECORDED

(A) Ballasting or cleaning of oil fuel tanks

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Cleaning process:
 - .1 position of ship and time at the start and completion of cleaning;
 - .2 identify tank(s) in which one or other method has been employed (rinsing through, steaming, cleaning with chemicals; type and quantity of chemicals used);
 - .3 identity of tank(s) into which cleaning water was transferred.
4. Ballasting:
 - .1 position of ship and time at the start and end of ballasting;
 - .2 quantity of ballast if tanks are not cleaned;
 - .3 position of ship at start of cleaning;
 - .4 position of ship at start of ballasting.

(B) Disposal of dirty ballast or cleaning water from oil fuel tanks referred to under section (A)

5. Identity of tank(s).
6. Method of disposal:
 - .1 to reception facilities (identify port and quantity involved);²
 - .2 transferred to storage tank (identify tank(s); state quantity transferred and total quantity in tank(s));
 - .3 other method (state which); state quantity disposed of.

² Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. The receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(C) Collection and disposal of oil residues (sludge)

7. Collection of oil residues.

Quantities of oil residues (sludge) retained on board at the end of a voyage, but not more frequently than once a week. When ships are on short voyages, the quantity should be recorded weekly:

- .1 separated sludge (sludge resulting from purification of fuel and lubricating oils) and other residues, if applicable:
 - identity of tank(s).....
 - capacity of tank(s).....m³
 - total quantity of retention.....m³
- .2 other residues (such as oils residues resulting from drainages, leakages, exhausted oil, etc., in the machinery spaces), if applicable due to tank arrangement in addition to ¹:
 - identity of tank(s).....
 - capacity of tank(s).....m³
 - total quantity of retention.....m³

8. Methods of disposal of residue.

State quantity of oil residues disposed of, the tank(s) emptied and the quantity of contents retained:

- .1 to reception facilities (identify port);³
- .2 transferred to another tank (indicate tank(s) and the total content of tank(s));
- .3 incinerated (indicate total time of operation);
- .4 other method (state which).

(D) Disposal of bilge water which has accumulated in machinery spaces

9. Quantity disposed of.

10. Time of disposal (start and stop).

³ See note 2.

11. Method of disposal:

- .1 to reception facilities (identify port);⁴
- .2 transfer to storage tank (indicate tank(s); state quantity transferred and the total quantity retained in tanks(s)).

(E) Bunkering of fuel or bulk lubricating oil

12. Bunkering:

- .1 Place of bunkering.
- .2 Time of bunkering.
- .3 Type and quantity of fuel oil and identity of tank(s) (state quantity added and total content of tank(s)).
- .4 Type and quantity of lubricating oil and identity of tank(s) (state quantity added and total content of tank(s)).

(F) Loading of oil cargo

13. Place of loading.
14. Type of oil loaded and identity of tank(s).
15. Total quantity of oil loaded (state quantity added and the total content of tank(s)).

(G) Internal transfer of oil cargo during voyage

16. Identity of tank(s):

- .1 from:
- .2 to: (state quantity transferred and total quantity of tank(s))

17. Was (were) the tank(s) in 16.1 emptied? (If not, state quantity retained.)

(H) Unloading of oil cargo

18. Place of unloading.
19. Identity of tank(s) unloaded.
20. Was (were) the tank(s) emptied? (If not, state quantity retained.)

⁴ See note 2.

(I) Ballasting of cargo tanks

21. Position of ship at start and end of ballasting.
22. Ballasting process:
 - .1 identity of tank(s) ballasted;
 - .2 time of start and end;
 - .3 quantity of ballast received. Indicate total quantity of ballast for each tank involved in the operation.

(J) Cleaning of cargo tanks

23. Identity of tank(s) cleaned.
24. Port or ship's position.
25. Duration of cleaning.
26. Method of cleaning.⁵
27. Tank washings transferred to:
 - .1 reception facilities (state port and quantity);⁶
 - .2 storage tank (identify tank(s); state quantity transferred and total quantity).

(K) Discharge of ballast water from cargo tanks

28. Identity of tank(s).
29. Re-allocation of ballast water within ship.
30. Quantity of oily water transferred to storage tank (identify tank(s). State total quantity).
31. Discharged to shore reception facilities (identify port and quantity involved).⁷

(L) Disposal of residues and oily mixtures not otherwise dealt with

32. Identity of tank(s).
33. Quantity disposed of from each tank. (State the quantity retained).

⁵ Hand-hosing, machine washing and/or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.

⁶ See note 2.

⁷ See note 2.

34. Method of disposal:

- .1 to reception facilities (identify port and quantity involved);⁸
- .2 transferred to storage tank (identify tank(s); state quantity transferred and total quantity in tank(s));
- .3 other method (state which); state quantity disposed of.

(M) Accidental or other exceptional discharges of oil

35. Time of occurrence.
36. Place or position of ship at time of occurrence.
37. Approximate quantity and type of oil.
38. Circumstances of discharge or escape, the reasons therefor and general remarks.

(N) Additional operational procedures and general remarks

⁸ See note 2.

Marine Protection Rules

PART 123B

Consultation Details

(This text does not form part of the rules contained in Part 123B. It provides details of the consultation undertaken in making the rules.)

Summary of Consultation

The responses to the invitation to comment on the draft of "Part 123B—Documents (Record Books and Manuals)" come from six organisations (four shipowner, one regional council and one employee organisation), one engineering and environmental consultant, and one individual.

The comment is generally supportive of the draft Part.

The regional council proposes officers of regional councils should have a right to inspect oil record books.

The shipowners indicate that they reserve their position on those rules which are tied to Parts that are not yet available. One shipowner comments on the amount of space provided for entries in the oil record book and suggests it should be increased.

The engineering and environmental consultant suggests that introductory material for all draft rules provide an explanation of the reasons for selecting the numerical standards reflected in that Part.

The comments from the individual focus on the legal drafting of the proposed rules.

The employee association proposes amendments to the definition of the terms "ship" and "oil tanker."

123B.2 Definitions

Paul Myburg of the Department of Commercial Law, University of Auckland, suggests that defining expressions by reference to the statutory definitions is preferable because it should result in a consistent and clear interpretation and application of the rules. Reformulating definitions in rules that are even slightly at variance with statutory definitions can give rise to conflicts or uncertainty. The definitions of "MARPOL," "master," "New Zealand ship," "offshore installation," "oil" and "owner" are cited.

We agree that as a general rule definitions should be aligned with the Act. However, we do not consider that the rule should be applied inflexibly. There are good reasons for using amended definitions in certain circumstances. For example, where the use of a term in the Act does not accord with the use of a term in MARPOL. Consistency in such cases would be achieved at the cost of the industry, for whom the Convention is the base document, having to reconcile MARPOL and marine protection rules that use expressions that depart from MARPOL usage.

The most serious implication of using reformulated definitions, we consider, is in relation to the application of the Act's offence provisions. These are carefully considered before definitions are varied.

Paul Myburg proposes that the terms "operating in waters under New Zealand jurisdiction" and "waters under New Zealand jurisdiction" be replaced by "any activity undertaken in the internal waters of New Zealand, or New Zealand continental waters (as defined in sections 2(1) and 222 of the Maritime Transport Act 1994)." He also suggests that the term "offshore terminal" rather than "offshore installation" is required to be consistent with MARPOL.

To more precisely and more simply define the limits of New Zealand control over foreign ships, we propose a new definition: "New Zealand jurisdiction." (See comment under "Proposed Amendments Initiated by the Maritime Safety Authority.)

"Offshore terminal" is indeed the MARPOL term but the expression is somewhat restrictively defined in the Maritime Transport Act—and not defined at all in MARPOL. To ensure the fullest possible coverage, we propose that both "offshore terminal" and "offshore installation" be used in the rules derived from the MARPOL regulations applied to foreign ships calling at ports and offshore terminals under the jurisdiction of parties to the Convention.

To ensure that floating production, storage and offloading facilities (FPSOs) are subject to MARPOL standards, the New Zealand Merchant Service Guild proposes that Part 123B incorporates the MARPOL definition of "ship": "...a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms." For the same reason, the Guild proposes that the definition of "oil tanker" be amended to include storing as well as carrying oil.

All offshore installations, including FPSOs, will be covered in a separate set of marine protection rules, to be known as "Part 124—Offshore Installations." This will ensure that facilities of this type are required to comply with applicable MARPOL standards without having to introduce into the rules a definition of ship that differs from that in the Act.

Rule 123B.2

Howard Smith Shipping suggests that the reference in the definition of "oil tanker" to "chemical tanker" as defined by Part 142 should be a reference to Part 141.

Howard Smith is correct. The appropriate reference has changed because the proposed MARPOL Annex II marine protection rules have been reduced to four Parts in consequence of the categorisation of noxious liquid substances being subsumed in Part 140.

Rule 123B.4

The Auckland Regional Council proposes that MARPOL oil record books should be available for inspection by regional council staff or its agents.

We do not support such an amendment. There are powers in the Maritime Transport Act that could be used to ensure access to ships oil record books by other authorities, if necessary. These powers, involving delegation or authorisation by the Director of Maritime Safety, are found in sections 396, 453 and 457.

Rules 123B.12, 123B.15*

The Auckland Regional Council points out that only those small oil tankers that retain all contaminated washings on board are required to have an oil record book under rules 123B.12 and 123B.15. On the other hand, all small tankers, whether or not they discharge into the sea, are excluded under rules 123B.3 and 123B.6 from the general recording regime.

We accept the point made by the Auckland Regional Council. We have extended the recording regime in rules 123B.3 and 123B.6 to cover oil tankers of less than 150 tons gross tonnage that discharge oil and oily mixtures into the sea in compliance with the conditions specified in Part 120.

Rule 123B.18 and 19

Union Shipping, Howard Smith Shipping, and the Shipping Federation reserve their position on rules 123B.18 and 123B.19 pending an opportunity to review Parts 121A and 122, to which they refer.

Part 101A was published in October 1995 and any comments on rules 123B.18 and 123B.19 in the light of that Part are awaited. Part 122 was published in December 1995.

Approval and Availability of Manuals

Howard Smith Shipping asks whether manuals approved by class societies will be approved or recognised by the Director of Maritime Safety.

The company also asks about the likely date that MSA Oil Record Books will become available and whether it would be in order to begin using the books prior to Parts 123A and 123B coming into force.

To comply with MARPOL, those New Zealand ships required to hold and carry on board manuals approved by the administration will have to have their shipboard manuals approved anew by the Director of Maritime Safety. However, we propose that classification societies be delegated the power to approve shipboard manuals on behalf of the Director. Which societies will be involved has yet to be decided. The likely candidates, however, include those organisations with which the Maritime Safety Authority has formalised arrangements: Lloyd's Register, BV, DNV, and ABS. Consideration will be given to recognition of the class approved manuals for the purposes of the Director approving the manual.

* The rule numbers refer to the numbers used in the original draft of Part 123B.

The Maritime Safety Authority will no longer be publishing Oil Record Books. Operators should publish in house Oil Record Books that comply with the form required in the Appendices to this Part.

Space for Recording Operations

Union Shipping suggests that the space allowed for shipboard personnel to record operations, as set out on pages 25, 37 and 48 of Part 123B, should be increased.

We agree and will allow for this extra space.

Introductory Material

Mike Patrick of Royds Consulting Limited proposes that all introductory sections of the rules provide a standard explanation of the reasons for the selection of the particular numeric standards given effect by the rules—for example, oil discharges at the rate of 15 parts per million and 100 parts per million.

We see merit in this proposal. However, we consider that in addition to the introductory information (the Invitation to Comment), it should be incorporated in the advisory material, as final rules will have no introductory material, only the associated advisory circular.

Proposed Amendments Initiated by the Maritime Safety Authority

Definitions

It is proposed to amend the definitions of the terms “foreign ship” and “New Zealand ship” in line with the definitions being used in other draft Parts. The aim is to use definitions from the Maritime Transport Act unless there are reasons making this inappropriate. The term “offshore installation” has been amended to align it with the definition of that expression found in the Act. The definition of “owner,” from section 2 of the Act, has been replaced by the definition, formulated for marine environment protection purposes, found in section 222(2).

A new definition of “New Zealand jurisdiction” has been added. The definitions of “operating in waters under New Zealand jurisdiction” and “waters under New Zealand jurisdiction” have been deleted. These changes are designed to both simplifying the application of the Part to foreign ships and to provide the widest possible control consistent with international law.

Obligations on Owner and Master

All the rules have been “personalised” so that the requirement for ships to carry on board oil record books and manuals is framed as an obligation on the owner and master. This establishes a link with the offence, in section 405 of the Maritime Transport Act, of failing to make and maintain records. The elements of the obligations have been broken down into subparagraphs within rules 123B.8, 123B.14, 123B.17, 123B.18, and 123B.19.

Foreign Ships—Record Books

Rule 123B.6 has been extended to encompass oil record book requirements for all foreign ships, whether they are registered in a MARPOL state or not. As a consequence, rules 123B.9 to 123B.11 inclusive, which dealt with ships from non-MARPOL states, have been deleted.

Foreign Ships—Manuals

The rules relating to the manuals on foreign ships have been amended to distinguish between ships that are from MARPOL states and those that are registered in non-MARPOL states. In the first draft, all manuals had to be approved by the flag administration. As rewritten, the rules recognise that ships from non-MARPOL states are more likely to have manuals approved by classification societies than by the flag administration.

New Zealand Ships—Manuals

The requirement to resubmit manuals to the Director for new approval has been deleted from rules 123B.18, 123B.19, 123B.20. This is because, under Part 121A, the owner is not required to seek the Director's approval for significant alterations in the construction, equipment, systems, fittings, arrangements or material of a ship. Alterations of this nature will involve the revocation of the existing IOPP certificate and the issuing of a new one. The owner must start at the beginning of the IOPP Certificate cycle, applying for a new document and submitting an appropriate manual for approval.

Rule 123B.15

This rule was inserted to specify the application of the rules 123B.16 and 123B.17 and transition periods for the requirements of these rules.